



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

February 26, 2004

Mr. Carmine F. Casper  
Howard L. Robertson, Inc.  
801 Brandywine Blvd.  
Wilmington, DE 19809

RE: PLUS review – Village of Eagles

Dear Mr. Casper:

Thank you for meeting with State agency representatives on February 19, 2004 to discuss the Village of Eagles project to be located on 13 acres between the southwesterly side of Mitchell Street and the northeasterly side of Division Avenue, south of Old Landing Road. As reviewed, this project will consist of 114 town home condominium units at 1600 square feet per unit.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the State agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that the Town of Millsboro is the governing authority over this land; therefore, you will need to comply with any and all regulations/restrictions set forth by the Town.

State agency comments received regarding this project are as follows:

**Department of Natural Resources and Environmental Control**

**Water Supply**

If dewatering is necessary during the construction phase, well construction permits must be obtained. Please allow four to six weeks for processing well permit applications. You can contact the Water Supply Branch at (302) 739-4793 for more information.

**Wastewater**

Connection to the public sewer from the City of Millsboro is proposed.

## **Soils**

According to the soil survey update, Pepperbox-Rosedale complex was mapped in the immediate vicinity of subject parcel. Pepperbox and Rosedale are upland soils that are moderately well to well-drained. They are characterized by rapidly permeable sandy horizons over a slowly permeable clayey subsurface horizon. They typically have moderate limitations for development.

No wetland associated (hydric) soils were mapped in the vicinity of the proposed project.

## **Groundwater Recharge**

According to the Groundwater Recharge Potential map for Sussex County the project appears to be within a good to excellent recharge area. It is important to attempt to reduce or mitigate the amount of impervious surface and to minimize near surface pollutant sources. High density projects have a high probability on reducing the amount of recharge potential that the aquifers depend on. The developer is encouraged to explore pervious alternatives to paved areas and walkways.

## **Stormwater Management**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, for details regarding submittal requirements and fees at (302) 856-7219.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. If the site contains tax ditches, the developer should contact the DNREC Division of Soil and Water Conservation Drainage Section to determine the rights-of-way

that must be maintained along the tax ditches. If the stormwater pond(s) will be discharging to a tax ditch, approval must be granted by the tax ditch association to do so. Please bear in mind that tax ditches are typically designed for agricultural drainage and are often designed to flow out-of-bank during rainfall events exceeding a 2-year storm.

Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption. A significant portion of the lots are located on lands mapped as wetlands/wet woods. We do not recommend recording lots with wetlands on them to prevent future homeowners' drainage complaints, filling of wetlands, etc.

A Certified Construction Reviewer (CCR) will be required for the site during construction. Contact Sussex Conservation District for details regarding the CCR requirement.

### **TMDLs**

This project is located near and adjacent to receiving waters which have been designated as "*waters of the state*" that have Exceptional Recreational or Ecological Significance (**ERES**). **ERES** waters are recognized as special assets of the State, and shall be protected and or restored, to the maximum extent practicable, to their natural condition. This designation strongly supports land use practices that value ecological sustainability, including land use practices that reduce nutrient loading that are consistent with reductions prescribed by TMDLs.

With the adoption of Total Maximum Daily Loads (TMDL) in the Inland Bays all receiving waters (including streams and tributaries) will require one of two levels of nutrient reduction assigned on the basis of location, and are referred to as a low or high reduction zones. The high reduction zone corresponds to the western upper-headwater portion of the watershed, and requires reductions of 85 and 65 percent for nitrogen and phosphorus, respectively. **This project is proposed within the high nutrient reduction zone.**

It is recommended that the developer perform a mass nutrient budget to validate that the change in land use meets the TMDL mandate. The developer/consultant should contact Lyle Jones (739-4590) in the Department's Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget.

The developer is strongly encouraged to employ best management practices (BMP's) and other pollution control strategies for nutrients (both nitrogen and phosphorus) in stormwater management.

### **Department of Transportation (DelDOT)**

South of this parcel, Mitchell Street is maintained by the State as Sussex Road 83; however, the proposed development has frontage only on town streets and it is too small to warrant a traffic impact study.

**State Historic Preservation Office (SHPO)**

There are no known historic sites or properties within the subject area. There is a medium probability for prehistoric and historic archaeological sites. If there are any federal permits, licenses, or funds involved with the project, the federal agency must comply with Section 106 of the National Historic Preservation Act.

**Delaware State Fire Marshals Office**

At the time of formal submittal, the applicant shall provide completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Fire Protection Features:**

- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Mitchell Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com) technical services link, plan review, applications or brochures.

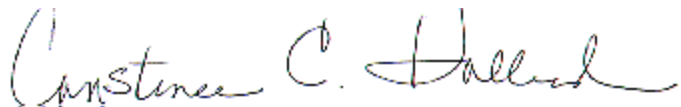
**Department of Education**

The Department suggested an information package on the development be sent to the local school district. Plans for the development should address school bus stops and turn around areas.

**Public Service Commission**

This property is within an existing Town of Millsboro CPCN area. No Public Service Commission action is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP  
Director